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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/974,973       |
| Filing Date            | October 12, 2001 |
| First Named Inventor   | Paul D. Hanke    |
| Art Unit               | 1652             |
| Examiner Name          | Slobodyansky, E. |
| Attorney Docket Number | 031001           |

**ENCLOSURES (Check all that apply)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>Express Mail Certificate |
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Remarks

Please file the enclosed amendment and reply. Kindly stamp and return the enclosed postcard.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                       |          |        |
|--------------|-----------------------|----------|--------|
| Firm Name    | Buchanan Ingersoll PC |          |        |
| Signature    |                       |          |        |
| Printed name | Duane A. Stewart III  |          |        |
| Date         | January 5, 2005       | Reg. No. | 54,468 |

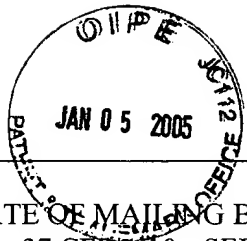
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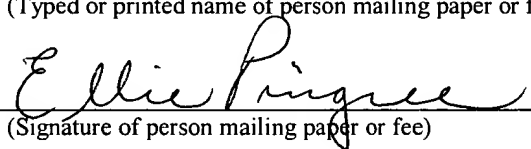
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| Typed or printed name |  | Date |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER<br>37 CFR 1.10 - SEPARATE PAPER  |  | ATTORNEY'S DOCKET NO.<br>031001  |
| IN RE APPLICATION OF:<br><br>Paul D. Hanke  |  |                                  |
| Application Serial No.:<br>09/974,973   |  | Filing Date:<br>October 12, 2001 |
| Title:<br><br>Feedback-Resistant Pyruvate Carboxylase Gene<br>From Corynebacterium  |  |                                  |
| Group Art Unit<br><br>1652  |  | Examiner<br><br>Slobodyansky, E. |
| <p>Express Mail mailing label number: EL 826279880 US<br/>Date of Deposit: January 5, 2005</p> <p>I hereby certify that this paper or fee is being deposited with the<br/><br/>United States Postal Service "Express Mail Post Office to Addressee"<br/><br/>service under 37 CFR 1.10 on the date indicated above and is addressed<br/><br/>to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450,<br/><br/>Alexandria, VA 22313-1450.</p> <p><u>Ellie Pingree</u><br/>(Typed or printed name of person mailing paper or fee)</p> <p><br/>(Signature of person mailing paper or fee)</p> |  |                                  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : **PATENT APPLICATION**  
:   
Paul D. Hanke : **FEEDBACK-RESISTANT PYRUVATE**  
: **CARBOXYLASE GENE FROM**  
: ***CORYNEBACTERIUM***  
Serial No.: 09/974,973 :   
: **Group Art Unit: 1652**  
Filed: October 12, 2001 : **Examiner: Slobodyansky, E.**  
  
Pittsburgh, Pennsylvania 15219  
January 5, 2005

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**AMENDMENT E AND REPLY TO FINAL OFFICIAL**  
**ACTION UNDER 37 C.F.R. § 1.116**

Sir:

This is in response to the Final Official Action mailed November 15, 2004, in connection with the above-captioned application having a statutory period for response set to expire February 15, 2005. This Amendment and Reply is submitted within the two month period of the mailing date of the Final Action. Applicants respectfully request that the Examiner issue an Advisory Action before the end of the three month statutory period ending February 15, 2005. The Examiner's rejections have been carefully considered and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims is courteously requested.

Please amend this application as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this Amendment.

**Remarks/Arguments** begins on page 6 of this Amendment.